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17 **DOCMAGIC, INC.**

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN FRANCISCO DIVISION**

22 DOCMAGIC, INC., a California  
23 corporation.,

24 Plaintiff,

25 v.

26 ELLIE MAE, INC., a Delaware,

27 Defendant.

28 AND RELATED COUNTERCLAIM

Case No. 3:09-cv-4017-EMC

**JOINT STIPULATION TO VACATE  
JANUARY 15, 2012 DEADLINE FOR  
COMPLETION OF FACT DISCOVERY  
AND [~~PROPOSED~~] ORDER**

ORDER SETTING CMC

Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, Plaintiff DocMagic, Inc. ("DocMagic"), and Defendant, Ellie Mae, Inc. ("Ellie Mae"), by and through their respective counsel, hereby stipulate and request that the January 15, 2012 fact discovery cutoff be vacated.

As explained in the accompanying Declaration of Noah A. Brumfield, this change in the discovery schedule set May 16, 2011 by Judge Marilyn Hall Patel is proposed in order to enable DocMagic and Ellie Mae to complete the documentation of a settlement agreement reached during mediation before the Honorable Edward A. Infante.

It is hereby stipulated and agreed by and through the undersigned attorneys for Ellie Mae and DocMagic, subject to the Court's approval, that the January 15, 2012 fact discovery cutoff ordered by Judge Patel on May 16, 2011 shall be vacated. It is further stipulated and agreed that the Court should set a case management conference in this matter for February 1, 2012, or as soon thereafter as the Court's schedule permits.

**IT IS SO STIPULATED.**

Dated: December 14, 2011

WHITE & CASE LLP

By: /s/ Noah A. Brumfield  
Noah A. Brumfield

Attorneys for Defendant/Counter-Claimant  
ELLIE MAE, INC.

Dated: December 14, 2011

MORRISON & FOERSTER LLP

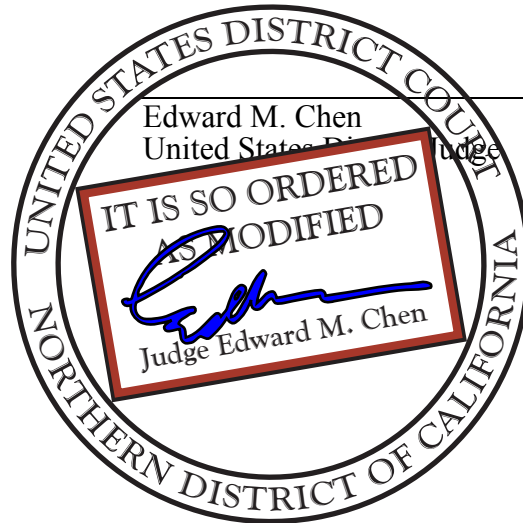
By: /s/ Stuart C. Plunkett  
Stuart C. Plunkett

Attorneys for Plaintiff/Counter-Defendant  
DOCMAGIC, INC.

**PURSUANT TO STIPULATION, IT IS ORDERED:**

The Court has read and considered the parties' stipulation and orders that the January 15, 2012 fact discovery cutoff ordered by Judge Patel on May 16, 2011 shall be vacated. A CMC is set for 2/10/12 at 9:00 a.m. An updated joint CMC Statement shall be filed by 2/3/12.

Dated: 12/19/11



**ATTESTATION CLAUSE**

I, Noah Brumfield, hereby attest in accordance with General Order No. 45.X.B that Stuart C. Plunkett, counsel for DocMagic, Inc., has provided his concurrence with the electronic filing of the foregoing document entitled **JOINT STIPULATION TO VACATE JANUARY 15, 2012**

**DEADLINE FOR COMPLETION OF FACT DISCOVERY.**

Dated: December 14, 2011

WHITE & CASE LLP

By: /s/ Noah A. Brumfield

Noah A. Brumfield

Attorneys for Defendant/Counterclaimant  
ELLIE MAE, INC.